

CHAPTER 1094

STANDARDS FOR FROZEN DESSERTS

S. F. 628

AN ACT to establish definitions and standards for frozen desserts.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. For the purpose of this Act:

2 1. "Vegetable fat frozen dessert" means the food prepared by
 3 freezing, while stirring, a pasteurized mix composed of one or more
 4 edible natural vegetable fats or oils derived from vegetable sources,
 5 solids-not-fat, sugar or other sweeteners, one or more flavoring in-
 6 gredients, and one or more stabilizers or emulsifiers or both. It
 7 may also contain one or more egg ingredients, and one or more
 8 caseinates.

9 2. "Mellorine" means the food prepared by freezing, while stirring,
 10 a pasteurized mix composed of a blend of one or more edible natural
 11 food fats or oils derived from vegetable sources with one or more
 12 natural food fats or oils derived from animal sources, other than
 13 milk fat, or consists entirely of one or more animal fats or oils, sol-
 14 ids-not-fat, sugar or other sweeteners, one or more flavoring ingre-
 15 dients, and one or more stabilizers or emulsifiers or both. It may
 16 also contain one or more egg ingredients, and one or more caseinates.

17 3. "Imitation frozen dessert" means any frozen sweetened product
 18 regardless of the name under which it is manufactured, sold or of-
 19 fered for sale, and which is manufactured in a manner similar to the
 20 process used in manufacturing ice cream, french ice cream, ice milk,
 21 fruit sherbet, water ices, vegetable fat frozen dessert or mellorine,
 22 quiescently frozen confection, and quiescently frozen dairy confection,
 23 but which does not conform to the definition and standard of identity
 24 established for any of the products defined in this or any other
 25 statute or regulation promulgated under any other statute of this
 26 state.

27 4. "Frozen dessert mix" means the pasteurized unfrozen liquid
 28 or fluid combination of two or more ingredients permitted in a
 29 frozen dessert with or without fruit, fruit juices, candy, baked goods
 30 and confections, nut meats, or other harmless flavor or color or both.

31 5. "Dry powder mix" is the unfrozen combination of two or more
 32 ingredients, which shall have been properly pasteurized if they are
 33 derivatives of milk, dairy products, or eggs, which are permitted
 34 in a frozen dessert before liquefying into a mix or the addition of
 35 fruit, fruit juices, candy, baked goods and confections, nut meats, or
 36 other harmless flavor or color or both.

37 6. "Frozen desserts" means ice cream, frozen custard, french ice
 38 cream, french custard ice cream, artificially sweetened ice cream,
 39 ice milk, fruit sherbet, water ice, quiescently frozen confection, quies-
 40 cently frozen dairy confection, vegetable fat frozen dessert, frozen
 41 confection, mellorine frozen dessert, imitation frozen desserts to-
 42 gether with any liquid or dry mix used in such frozen desserts, and
 43 any products which are similar in appearance, odor or taste to such
 44 products, or are prepared or frozen as frozen desserts are custom-
 45 arily prepared or frozen, whether made with dairy products or non-

- 46 dairy products.
- 47 7. "Food fats or oils" means edible natural fats derived from
48 vegetable sources, and includes milk fat, meat fat, and fat derived
49 from marine animals or fish. It is not necessary that such food fats
50 be hydrogenated. Harmless optional ingredients may be used, in
51 an amount not exceeding one-half of one percent of the weight of
52 the finished food, to prevent fat oxidation.
- 53 8. "Solids-not-fat" means:
- 54 a. Skim milk.
- 55 b. Concentrated skim milk.
- 56 c. Evaporated skim milk.
- 57 d. Condensed skim milk.
- 58 e. Super-heated condensed skim milk.
- 59 f. Sweetened condensed skim milk.
- 60 g. Nonfat dry milk.
- 61 h. Dry whey.
- 62 i. Concentrated whey.
- 63 j. Sweet cream buttermilk (whether fluid, condensed or dried).
- 64 Any of the foregoing products from which all or a portion of the
65 lactose has been removed after crystallization or the lactose has been
66 converted to simple sugars by hydrolysis.
- 67 9. "Sweetening ingredients" means:
- 68 a. Sugar (sucrose) or sugar syrup.
- 69 b. Dextrose.
- 70 c. Invert sugar (in paste or syrup form).
- 71 d. Corn syrup, dried corn syrup, glucose syrup, dried glucose
72 syrup.
- 73 e. Maple syrup, maple sugar.
- 74 f. Honey.
- 75 g. Brown sugar.
- 76 h. Malt syrup, maltose syrup, malt extract.
- 77 i. Dried malt syrup, dried maltose syrup, dried malt extract.
- 78 j. Refiner's syrup.
- 79 k. Molasses (other than blackstrap).
- 80 l. Lactose.
- 81 m. Fructose.
- 82 10. "Flavoring ingredients" means:
- 83 a. Ground spice, ground vanilla beans, infusion of coffee or tea,
84 or any natural food flavoring.
- 85 b. Any artificial food flavoring.
- 86 c. Chocolate or cocoa, which may be added as such or as a suspen-
87 sion in syrup, and which may contain disodium phosphate or sodium
88 citrate in such quantity that the finished vegetable fat frozen des-
89 sert or mellorine contains not more than zero point two percent by
90 weight of disodium phosphate or sodium citrate.
- 91 d. Mature fruit or the juice of mature fruit, either of which may
92 be fresh, frozen, canned, concentrated, or partially or wholly dried.
- 93 e. Nut meats, which may be roasted, cooked in an edible fat or
94 oil, or preserved in syrup, and which may be salted.
- 95 f. Malted milk.
- 96 g. Confectionery. For the purposes of this paragraph, the term
97 "confectionery" means candy, cakes, cookies, glaced fruits, and

- 98 variegating flavors.
 99 *h.* Properly prepared and cooked cereal.
 100 11. "Egg ingredients" means:
 101 *a.* Liquid eggs.
 102 *b.* Frozen eggs.
 103 *c.* Dried eggs.
 104 *d.* Egg yolks.
 105 *e.* Frozen egg yolks.
 106 *f.* Dried egg yolks. Any egg ingredient used shall be added to the
 107 mix before it is pasteurized.
 108 12. "Caseinates" means casein prepared by precipitation with
 109 gums, ammonium caseinate, calcium caseinate, potassium caseinate,
 110 and sodium caseinate. Caseinates in liquid or dry form, but free of
 111 excess alkali may be added to a mix containing not less than eight
 112 percent by weight of food fats, and not less than two point fifty-six
 113 percent of protein.
 114 13. "Stabilizers and emulsifiers" mean:
 115 *a.* Agar-agar, algin (sodium alginate), calcium sulfate, gelatin,
 116 gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum,
 117 gum tragacanth, carrageenan, lecithin, psyllium seed husk, cellulose
 118 gum and propylene glycol alginate. The total weight of the solids
 119 of any such ingredient used singly or of any combination of two or
 120 more such ingredients used (including any such ingredient and pec-
 121 tin added separately to the fruit ingredient) is not more than zero
 122 point five percent of the weight of the finished vegetable frozen fat
 123 dessert or mellorine. Such ingredients may be added in admixture
 124 with dextrin, propylene glycol or glycerin. Salts of carrageenan,
 125 furcelleran, salts of furcelleran, and sodium carboxymethylcellulose.
 126 *b.* Monoglycerides* or diglycerides or both of fat-forming fatty
 127 acids. The total weight of such ingredients shall not be more than
 128 zero point two percent of the weight of the finished mellorine. When
 129 a preparation having over ninety percent of monoglycerides is used,
 130 it may be preblended with edible fat in an amount not exceeding
 131 twenty percent by weight of such blend and the total amount of such
 132 blend used shall not exceed zero point two percent of the weight of
 133 the finished vegetable fat frozen dessert or mellorine.
 134 *c.* Polyoxyethylene-twenty sorbitan tristearate or polyoxyethylene-
 135 twenty sorbitan monooleate or both, in an amount not exceeding
 136 zero point one percent of the weight of the finished vegetable fat
 137 frozen dessert or mellorine, and microcrystalline cellulose in a quan-
 138 tity not to exceed one point five percent by weight of the finished
 139 vegetable fat frozen dessert or mellorine.

1 SEC. 2. Vegetable fat frozen dessert or mellorine shall contain
 2 not less than eight percent by weight of food fats and not less than
 3 two point fifty-six percent of protein derived from solids-not-fat,
 4 except when it contains one or more of the optional flavoring ingre-
 5 dients as defined in this Act in which case it shall contain at least
 6 six point four percent of food fats and at least two point zero five
 7 percent of protein derived from solids-not-fat. Vegetable fat frozen
 8 dessert or mellorine shall contain not less than one point six pounds
 9 of total food solids per gallon and shall weigh not less than four

*According to enrolled Act.

10 point five pounds per gallon. Coloring and water may be added and
11 the mix may be seasoned with salt and be homogenized.

1 SEC. 3. Fruit used for flavoring may be whole, shredded, or com-
2 minuted; it may be sweetened, thickened with pectin or with one
3 or more of the stabilizers or emulsifiers named in section one (1) of
4 this Act, subject to the restriction on the total quantity of such
5 substances in vegetable fat frozen dessert or mellorine prescribed
6 in that section, and it may be acidulated with citric, ascorbic or
7 phosphoric acid. The fruit is prepared by the removal of pits,
8 seeds, skins, and cores, where such removal is usual in preparing
9 that kind of fruit for consumption as fresh fruits. In the case of
10 fruit or fruit juice from which part of the water is removed, the
11 substances contributing flavor volatilized during water removal may
12 be condensed and reincorporated in the concentrated fruit or fruit
13 juice. In the case of the citrus fruits the whole fruit, including the
14 peel but excluding the seeds, may be used, and in the case of citrus
15 juice or concentrated citrus juice, cold-pressed citrus oil may be
16 added in an amount not exceeding that which would have been ob-
17 tained if the peel from the whole fruit had been used. For the pur-
18 poses of this section, the flesh of the coconut shall be considered a
19 fruit.

1 SEC. 4. The secretary of agriculture may promulgate regulations
2 specifying the manner by which the characterizing flavor of the
3 frozen dessert shall be declared. The terms of such regulation shall
4 conform to those which are required in the case of the characteriz-
5 ing flavor declaration by statutes or regulations for ice cream.

1 SEC. 5. The name vegetable fat frozen dessert, mellorine, or imi-
2 tation frozen dessert shall appear on any label required by law or
3 departmental rules on packages or containers of such products, in
4 such type size and with such prominence as may be readily seen
5 and understood under normal conditions of purchase. Vegetable fat
6 frozen dessert, mellorine, or imitation frozen dessert may not be
7 designated by the use of the word "cream" or its phonetic equivalent.
8 Products made in accordance with this Act shall be labeled "vege-
9 table fat frozen dessert" when the food fat portion thereof contains
10 only vegetable fats or oils, and shall be labeled "mellorine" when
11 vegetable fats or oils are blended and in combination with animal
12 fats or oils (other than milk fat) or when the food portion contains
13 an animal fat or oil or a blend of animal fats or oils. The container
14 or wrapper shall bear labeling declaring all the ingredients therein
15 in the order of their decreasing predominance; whether any fat or
16 oil ingredient is hydrogenated or hardened, and the number of
17 United States Pharmacopeia units of vitamin A added if any is
18 present.

1 SEC. 6. The false and misleading advertising of vegetable fat
2 frozen dessert, mellorine, or imitation frozen dessert is prohibited.
3 An advertisement of these foods shall be deemed to be false and
4 misleading if in such advertisement representations are made or
5 suggested by statement, word, grade, designation, design, device,
6 symbol, sound, or any combination thereof, that such food is a dairy

7 product, except that nothing contained herein shall prevent a truth-
8 ful, accurate, and full statement in any such advertisement of all the
9 ingredients in such foods.

1 SEC. 7. Any imitation frozen dessert manufactured, sold, or of-
2 fered for sale in such manner that a label is required by law or de-
3 partmental rule shall be designated on such label as imitation frozen
4 dessert, however, any special frozen dietary dessert manufactured
5 and sold under the provisions of any law or regulation of this state,
6 shall not be considered an imitation frozen dessert for the purposes
7 of this section. A sign shall be posted in every retail establishment
8 where "vegetable fat frozen dessert", "mellorine" or "imitation
9 frozen dessert" is sold in other than factory-filled packages. This
10 sign shall state in letters of such size as to be visible and easily read
11 by the purchaser at the point of sale: (name of product) SOLD HERE.
12 Failure to comply with any of the provisions of this section shall
13 constitute misbranding and is hereby prohibited.

1 SEC. 8. The preparation, storage, packaging, labeling, sale, of-
2 fering for sale, serving, or dispensing of vegetable fat frozen des-
3 sert or mellorine, in violation of this Act is hereby prohibited. The
4 false and misleading advertising of vegetable fat frozen dessert or
5 mellorine, in violation of this Act, is hereby prohibited. Prepara-
6 tion of vegetable fat frozen dessert or mellorine in violation of sec-
7 tion twelve (12) of this Act is hereby prohibited.

1 SEC. 9. The secretary of agriculture shall administer and super-
2 vise the enforcement of this Act, prescribe rules and regulations to
3 carry out its purposes, provide for periodic inspections and investi-
4 gations as deemed necessary, receive and provide for the investiga-
5 tion of complaint, and provide for the institution and prosecution
6 of civil or criminal actions or both. The provisions of this Act and
7 the rules and regulations issued thereunder may be enforced by in-
8 junction in any court having jurisdiction to grant injunctive relief,
9 and adulterated or misbranded articles illegally held or otherwise
10 involved in a violation of this Act or of rules and regulations shall
11 be subject to seizure and disposition in accordance with an order
12 of court.

1 SEC. 10. No dry powder mix, as defined by this Act, shall be
2 required to be repasteurized after being liquefied.

1 SEC. 11. Section one hundred ninety point one (190.1), Code
2 1966, as amended by chapter one hundred eighty-one (181), section
3 one (1), and chapter one hundred eighty-two (182), section one
4 (1), Acts of the Sixty-second General Assembly, is hereby further
5 amended as follows:

6 1. By striking from subsection thirty-three (33), line seventeen
7 (17), the words "one hundred" and inserting in lieu thereof the
8 word "fifty".

9 2. By striking from subsection thirty-five (35) lines fifty-four
10 (54) through seventy-four (74), inclusive.

1 SEC. 12. Chapter one hundred ninety (190), Code 1966, is hereby
2 amended by adding the following new section:

3	"Frozen desserts and the pasteurized dairy ingredients used in		
4	the manufacture thereof, shall comply with the following standards:		
5	Milk, cream, and fluid	Temperature	Storage at 45°
6	dairy ingredient		Fahrenheit
7		Bacterial limit	50,000 per milliliter
8		Coliform limit	10 per milliliter
9	Frozen dessert mixes,	Temperature	Storage at 45°
10	frozen desserts (plain)		Fahrenheit
11		Bacterial limit	50,000 per gram
12		Coliform limit	10 per gram
13	Dry dairy ingredient	Extra grade or better as defined	
14		by U. S. Standards for grades for	
15		the particular product.	
16	Dry powder mix	Bacterial limit	50,000 per gram
17		Coliform limit	10 per gram
18	The bacteria count and coliform determination shall not exceed this		
19	standard in three out of the last five consecutive samples taken by		
20	the regulatory agency.		
21	This section shall not preclude holding mix at a higher temperature		
22	for a short period of time immediately prior to freezing where appli-		
23	cable to the particular manufacturing or processing practices.		
24	This section shall not apply to sterilized mix in hermetically		
25	sealed containers.		
26	The coliform determination for bulky flavored frozen desserts		
27	shall not be more than twenty per gram."		

1 SEC. 13. Chapter one hundred ninety (190), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "Notwithstanding any other labeling provision of the Code, frozen
4 dessert of any kind or flavor may be dispensed and sold at retail in
5 edible containers or as a part of any food preparation intended for
6 consumption without further preparation, including but not limited
7 to the preparations commonly termed milk shakes, malted milks, sun-
8 daes, and floats."

Approved March 20, 1970.

CHAPTER 1095

MILK FOR MANUFACTURING

H. F. 404

AN ACT relating to milk used for manufacturing purposes.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter one hundred ninety-four (194), Code 1966,
2 is hereby amended as follows:

3 1. By striking section one hundred ninety-four point six (194.6),
4 Code 1966, as amended by chapter one hundred forty-seven (147),